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Federal Communications Commission
Washington, D.C. 20554

MAY 15 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of

Amendment of Section 73.202(b))	MM Docket No. 97-67
Table of Allotments,)	RM-8996
FM Broadcast Stations)	RM-9079
(Freeport and Cedarville, Illinois))	

To: Mass Media Bureau

REPLY COMMENTS

Atlantis Broadcasting Co., L.L.C. (hereafter Atlantis), by its attorneys, and pursuant to Section 1.420(b) of the Commission's rules, hereby submits its reply comments to its April 7, 1997, Counterproposal, proposing the allotment of Channel 295A (106.9 MHz) to Cedarville, Illinois, in lieu of Freeport, Illinois. In support thereof, the following is stated:

1. By Notice of Proposed Rule Making, DA 97-296, released February 14, 1997, the Chief, Allocations Branch, proposed to allot Channel 295A at Freeport, Illinois, as that community's third local commercial FM transmission service. Interested parties were invited to file comments on or before April 7, 1997.

2. On April 7, 1997, Atlantis counterproposed that the Commission allot Channel 295A at Cedarville, Illinois, in lieu of Freeport, Illinois, in order to provide Cedarville with a first local aural transmission service. By Public Notice, FCC Report No. 2191, released April 30, 1997, the Commission invited the filing of reply comments to the Counterproposal no later than May 15, 1997 (Appendix A hereto).

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3. Cedarville is an incorporated place, located in Stephenson County, Illinois (1995 population - 49,200) approximately five miles north of Freeport (1995 population - 26,200). Cedarville has a 1990 population of 791, its own post office and zip code (61013). Source: Rand McNally Commercial Atlas & Marketing Guide (1996 Edition) pp. 315, 317, 323.

4. Cedarville has a city clerk and is governed by a Mayor and six trustees. The city administration, along with the Police and Fire Department, is housed in the "Old School House Building."

5. Cedarville is the locus of a number of businesses, including those which identify with Cedarville: RCA Adjusters (Insurance); Richard Graham (Photography); Softport Services; W.A.F. Computerized Connection; Cedarville Cyclery; Cedar Video; Cedarville Art Glaze; Cedarville Veterinary Association; Country Boy Restaurant, Gerald Crouse, Inc.; J & N Tool Co.; J.H. Borkau and Sons; Lumber Enterprises; Purdue Groceries; Tri-State Door; Cedarville Mobile; Cedarville Drug Store; and Roum Adjustment Co.

6. Cedarville is also the locus of churches (Cedarville United Methodist Church and Cedarville Evangelical Congregational Church) and civic and community organizations (Lions Club, Boy Scouts, Girl Scouts, Garden Club and American Legion). Two parks (Parker Park and the Lions Club Park) are located in Cedarville as well as a museum (Old Stone Jailhouse) and a memorial to

Cedarville native, Jane Addams, the founder of Hull House in Chicago, Illinois.

7. In sum, Atlantis has demonstrated that Cedarville is a "geographically identifiable population grouping", which qualifies as a community for allotment purposes under Section 307(b) of the Act. Gretna, Marianna, Quincy and Tallahassee, Fla., 6 FCC Rcd 633 (1991). Atlantis has also submitted sufficient indicia to demonstrate the existence of a wide range of political, commercial, public safety and other institutions characteristic of distinct community status. Middletown, CA, 6 FCC Rcd 5786, 69 RR2d 1626 (1991).

8. As for the Section 307(b) choice, the allotment of Channel 295A at Freeport would provide that community with its fourth local aural transmission service. In contrast, the allotment of Channel 295A at Cedarville would provide that community with its first aural transmission service, and, is, therefore, the preferred allotment. Beaufort County Broadcasting Co., 94 FCC 2d 572, 54 RR2d 923 (1983), aff'd sub nom., Beaufort County Broadcasting Co. v. FCC, 59 RR2d 1642 (D.C. Cir. 1986).

9. Atlantis hereby reaffirms that if the Commission grants its Counterproposal, it will apply for Channel 295A, when it is

allotted to Cedarville, and if its application is granted, it will promptly build the station.

WHEREFORE, for the foregoing reasons, Atlantis respectfully requests the Commission to grant its Counterproposal and to allot Channel 295A at Cedarville, Illinois.

Respectfully submitted,

ATLANTIS BROADCASTING CO., L.L.C.

By: James K. Edmundson
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May 15, 1997
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Its Attorneys

APPENDIX A



PUBLIC NOTICE

Federal Communications Commission
1919 M St., N.W.
Washington, D.C. 20554

New media information 202 / 418-0500
Fax-On-on-Demand 202 / 418-2830
Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

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REPORT NO. 2191

April 30, 1997

OFFICE OF PUBLIC AFFAIRS
REFERENCE OPERATIONS DIVISION
PETITIONS FOR RULEMAKING FILED

RM NO.	RULES SEC.	PETITIONER	DATE REC'D	NATURE OF PETITION
9079*	73.202(b)	Atlantis Broadcasting, Co. L.L.C.	04-07-97	Request Amendment of the FM Table of Allotments to allocate Channel 295A to Cedarville, Illinois at coordinates 42-21-33; 89-38-50.

(Filed By James K. Edmundson,
Attorney
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1301 K Street, N.W.
Suite 900, East Tower
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*THE ABOVE PETITION FOR RULEMAKING WILL BE TREATED AS A COUNTERPROPOSAL IN MM DOCKET NO. 97-67. REPLY COMMENTS TO THIS COUNTERPROPOSAL SHOULD BE SUBMITTED IN THIS DOCKET NO LATER THAN 15 DAYS (RATHER THAN 30 DAYS) AFTER THE DATE OF THIS PUBLIC NOTICE.

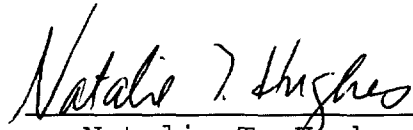
CERTIFICATE OF SERVICE

I, Natalie T. Hughes, a secretary in the law firm of Gardner, Carton & Douglas, certify that I have this 15th day of May, 1997, caused to be sent by first-class U.S. mail, postage-prepaid, a copy of the foregoing **"Reply Comments"** to the following:

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Natalie T. Hughes

*By Hand Delivery